



# PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Employment Security Department

- ☒ Preproposal Statement of Inquiry was filed as WSR 09-15-012 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR  
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject) New WAC 192-150-180, Quitting part-time work, which concerns the eligibility for unemployment benefits of certain individuals who voluntarily quit a part-time job.

Hearing location(s): Employment Security Department  
Maple Leaf Conference Room, 2<sup>nd</sup> Floor  
212 Maple Park  
Olympia, Washington

Submit written comments to:

Name: Pamela Ames  
Address: PO Box 9046  
Olympia, WA 98507-9046  
e-mail: pames@esd.wa.gov  
fax (360)902-9799 by (date) November 10, 2009

Date: November 10, 2009 Time: 10:00 a.m.

Assistance for persons with disabilities: Contact

Jeannette Nelson by November 9, 2009  
TTY (360) 902-9569 or (360) 902-9602

Date of intended adoption: November 16, 2009

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule implements Senate Bill 5804 (Ch. 247, laws of 2009) providing that claimants who are simultaneously working both a full-time job and a part-time job will not be disqualified from receiving unemployment benefits solely because they quit the part-time job.

Reasons supporting proposal: The rule clarifies the circumstances under which the Commissioner will determine that an individual who voluntarily quits a part-time job will not be disqualified from benefits.

Statutory authority for adoption: RCW 50.12.010, 50.12.040, 50.20.010

Statute being implemented: RCW 50.20.050

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No  
If yes, CITATION:

DATE

10-5-09

NAME (type or print)

Paul Trause

SIGNATURE

*Paul Trause*

TITLE

Deputy Commissioner

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

TIME

9:09

DATE

09-20-09

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:  
None.

Name of proponent: (person or organization) Employment Security Department

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Juanita Myers	212 Maple Park, Olympia	(360) 902-9665
Implementation.... Nan Thomas	212 Maple Park, Olympia	(360) 902-9303
Enforcement..... Nan Thomas	212 Maple Park, Olympia	(360) 902-9303

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The proposed rule will not impose more than minor costs on businesses, nor will there be a disproportionate impact on small business. Any business costs associated with the rule are the result of the underlying legislation.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: The proposed rule is not a significant legislative rule as defined in RCW 34.05.328.

NEW SECTION

**WAC 192-150-180 Quitting part-time work - RCW 50.20.050(3).**

(1) **Effective date.** RCW 50.20.050(3) and this section apply to job separations that occur on or after July 26, 2009.

(2) **Definitions.** For purposes of this section:

(a) "Part-time work" means fewer than 35 hours of work per week.

(b) "Full-time work" means work of 35 or more hours per week.

(3) If you are simultaneously employed in a part-time job and a full-time job, you will not be denied benefits for quitting the part-time job under the following circumstances:

(a) You quit the part-time job before losing your full-time job;

(b) You did not know in advance that your full-time job would be ending; and

(c) You are eligible for benefits based on the separation from your full-time job.

(4) If you are denied benefits under RCW 50.20.050(3), the period of denial is the same as that under RCW 50.20.050(2)(a). This means you will be denied for a period of seven weeks and until you earn at least seven times your weekly benefit amount in covered employment.

(5) **Examples.** The following are examples only and do not mean that the department would rule the same in similar situations.

(a) *You quit a part-time job two weeks before being laid off from your full-time job. Benefits are allowed because you meet the criteria of subsection (3).*

(b) *You quit a part-time job before the hours at your full-time job were reduced. Benefits are allowed because you meet the criteria of subsection (3).*

(c) *You quit a part-time job two weeks before the end of a temporary full-time job. You had prior knowledge that the full-time job was ending. Benefits would be denied unless you had good cause for quitting the part-time job under RCW 50.20.050(2).*

(d) *You quit a part-time job two weeks before being discharged from the full-time job.*

(i) If the separation from the full-time job was for misconduct, benefits would be denied for quitting the part-time job because you are not eligible for benefits based on the separation from the full-time job.

(ii) If the separation from the full-time job was not misconduct, benefits would be allowed because you meet the criteria of subsection (3).

(e) You quit the part-time job and the full-time job on the same day. The department will determine if you had good cause to quit both jobs under RCW 50.20.050(2).

(f) You quit a part-time job but are still employed full-time at your other job. The department will determine if you had good cause to quit under RCW 50.20.050(2).